



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

100 F St. N.E.
Washington, D.C. 20549

DIVISION OF ENFORCEMENT

RECEIVED
DATE FILED: 11/18/2019

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November 18, 2019

VIA ECF

Honorable Denise L. Cote
United States District Court
500 Pearl Street
New York, NY 10007

Carried -
Denise Cote
11/18/19

Re: SEC v. Lek Securities Corp. et al., Case No. 17 CV 1789 (DLC)

Dear Judge Cote:

Plaintiff Securities and Exchange Commission ("SEC") hereby respectfully requests that the Court enter an order requiring that certain limited redactions be made to the transcript of the Final Pretrial Conference held on October 11, 2019, before the transcript becomes publicly available via PACER. These redactions are necessary to avoid disclosure of the identity of the witness who was the subject of the Court's order and opinion dated October 26, 2018. *See* ECF No. 302.

Background: On October 8, 2018, defendants filed sealed motions to compel seeking additional discovery on a collateral issue relating to one of the SEC's witnesses. On October 26, 2018, the Court entered an order denying the defendants' motions, finding their efforts to engage in such discovery to be "entirely inappropriate." ECF No. 302, at 6-7. On December 7, 2018, the Court granted the SEC's motion *in limine* to preclude any references to these collateral issues at trial. ECF No. 346. On April 11, 2019, the Court denied the Avalon Defendants' motion for reconsideration of that ruling. ECF No. 357.

The Court has previously granted requests to redact transcripts to avoid identifying the witness who was the subject of the defendants' motion to compel and to reduce the opportunity for undue embarrassment and harm to that witness. *See* ECF Nos. 321, 345.

Request for Redaction: On October 11, 2019, the Court held the Final Pretrial Conference in this matter. At the conference, the Court's rulings on the defendants' motion to compel and the SEC's motion *in limine* were raised. The transcript of the conference ("October 11 Transcript") is scheduled to become publicly available on PACER on February 11, 2020. ECF No. 529.

Pursuant to the District's April 18, 2011 Notice to the Bar regarding Electronic Availability of Civil Transcripts in Proceedings Before U.S. District and Magistrate Judges,

requests for redactions other than those listed in Fed. R. Civ. P. 52 and Fed. R. Crim. P. 49 must be made by application to the Court. In order to avoid identification of, and reduce the likelihood of undue embarrassment to, the witness who has been the subject of the motions described above, the SEC respectfully requests that the Court enter an order requiring that certain limited redactions be made to the October 11 Transcript before it becomes publicly available on PACER.

The SEC's proposed redactions are set forth in Exhibit A to this letter.¹ The only redactions that the SEC proposes are on page 71 of the October 11 Transcript. Exhibit A contains the relevant pages of the October 11 Transcript.

Respectfully submitted,

/s/ Olivia S. Choe

Olivia S. Choe

Encl. (via e-mail and U.S. mail)

cc: Counsel of record (via e-mail)
Carol Ganley, Southern District Reporters (via e-mail)
Kelly McGuirk, Southern District Reporters (via e-mail)

¹ Exhibit A will be submitted to the Court pursuant to Paragraph 4.A of the Court's Individual Civil Practices. If the Court grants the SEC's request, pursuant to Paragraph 4.A, the SEC shall file Exhibit A (containing the proposed redactions) under seal with the Clerk of Court. The redacted version of the October 11 Transcript shall be publicly filed on PACER by the court reporter at the appropriate date for release of transcript restriction.